



February 27, 2003

HOUSE BILL No. 1917

DIGEST OF HB 1917 (Updated February 26, 2003 2:53 PM - DI 107)

Citations Affected: IC 5-2.

Synopsis: Racially based traffic stops. Requires a law enforcement agency to prohibit racial profiling and to provide sensitivity training. Authorizes the establishment of, or the use of existing, local civilian review boards to investigate allegations of misconduct by law enforcement officers.

Effective: July 1, 2003.

Smith V

January 23, 2003, read first time and referred to Committee on Judiciary.
February 26, 2003, amended, reported — Do Pass.

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HB 1917—LS 6223/DI 96+



February 27, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1917

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-2-14 IS ADDED TO THE INDIANA CODE AS
- 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2003]:
- 4 **Chapter 14. Racially Based Traffic Stops**
- 5 **Sec. 1. As used in this chapter, "agency" means any of the**
- 6 **following law enforcement agencies:**
- 7 (1) **The state police department.**
- 8 (2) **A city or town police department.**
- 9 (3) **A town marshal.**
- 10 (4) **A county sheriff's department.**
- 11 (5) **A police department established under IC 20-12-3.5-1 by:**
- 12 (A) **the Ball State University board of trustees;**
- 13 (B) **the Indiana State University board of trustees;**
- 14 (C) **the trustees of Indiana University;**
- 15 (D) **the trustees of Purdue University;**
- 16 (E) **the University of Southern Indiana board of trustees;**
- 17 **or**

HB 1917—LS 6223/DI 96+



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(F) the board of trustees of Vincennes University.

Sec. 2. As used in this chapter, "minority group" means individuals of African, Hispanic, Native American, or Asian descent.

Sec. 3. As used in this chapter, "motor vehicle" has the meaning set forth in IC 9-13-2-105.

Sec. 4. As used in this chapter, "officer" means a law enforcement officer of an agency.

Sec. 5. Before July 1, 2004, each agency shall adopt a policy on racially based traffic stops that includes the following:

(1) A prohibition against a practice of routinely stopping members of minority groups for violations of motor vehicle laws as a pretext for investigating other violations of criminal law.

(2) A requirement of annual sensitivity training concerning the prohibition described in subdivision (1) for officers who conduct traffic stops.

Sec. 6. The guidelines of the agency regarding racially based traffic stops and the training must stress:

(1) understanding and respect for racial and cultural differences; and

(2) the development of effective, noncombative methods of carrying out law enforcement duties in a racially and culturally diverse environment.

Sec. 7. (a) A county, city, or town may:

(1) establish a civilian review board; or

(2) use an existing civilian review board;

that is appointed by the county, city, or town to investigate allegations of misconduct by the local unit's officers toward members of the public.

(b) The members of the civilian review board shall serve without compensation but shall receive reimbursement from the local governing body for all reasonable and necessary expenses.

Sec. 8. A civilian review board established under section 7 of this chapter may:

(1) receive;

(2) investigate;

(3) make findings regarding; and

(4) recommend disciplinary action upon;

complaints by members of the public against the local unit's officers.

Sec. 9. A complaint filed by the public with a civilian review

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board established under section 7 of this chapter may allege misconduct involving:

- (1) excessive use of force;
- (2) abuse of authority;
- (3) discourtesy; or
- (4) use of offensive language, including comments relating to race, ethnicity, religion, gender, sexual orientation, or disability.

Sec. 10. (a) A civilian review board established under section 7 of this chapter shall submit:

- (1) the findings and recommendations of the board concerning a complaint; and
- (2) the basis for the findings and recommendations; to the chief law enforcement official of the agency.

(b) The board's findings or recommendations may not be based:

- (1) solely upon an unsworn complaint or statement; or
- (2) upon a prior unsubstantiated, unfounded, or withdrawn complaint.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1917, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 2 through 3.
 Page 2, line 4, delete "3." and insert "2."
 Page 2, line 7, delete "4." and insert "3."
 Page 2, line 9, delete "5." and insert "4."
 Page 2, delete lines 11 through 42.
 Page 3, delete lines 1 through 28.
 Page 3, line 29, delete "11." and insert "5."
 Page 3, delete lines 35 through 42.
 Page 4, delete lines 1 through 8.
 Page 4, line 9, delete "(5)" and insert "(2)".
 Page 4, line 12, delete "12." and insert "6."
 Page 4, line 13, delete "described in section 11(4) and 11(5)".
 Page 4, line 14, delete "of this chapter".
 Page 4, line 20, delete "13." and insert "7."
 Page 4, line 29, delete "14." and insert "8."
 Page 4, line 29, delete "13" and insert "7".
 Page 4, line 37, delete "15." and insert "9."
 Page 4, line 38, delete "13" and insert "7".
 Page 5, line 4, delete "16." and insert "10".
 Page 5, line 4, delete "13" and insert "7".

and when so amended that said bill do pass.

(Reference is to HB 1917 as introduced.)

LAWSON L, Chair

Committee Vote: yeas 10, nays 3.

HB 1917—LS 6223/DI 96+



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